

HOUSE COMMITTEE ON TRANSPORTATION

April 15, 2005 Hearing Room C

1:00 P.M. Tapes 48 - 49

MEMBERS PRESENT: Rep. George Gilman, Chair

Rep. Terry Beyer, Vice-Chair

Rep. Chuck Burley, Vice-Chair

Rep. Deborah Boone

Rep. Dave Hunt

MEMBER EXCUSED: Rep. Scott Bruun

Rep. Kim Thatcher

STAFF PRESENT: Patrick Brennan, Committee Administrator

Mike Reiley, Committee Assistant

MEASURES/ISSUES HEARD:

HB 3121 – Public Hearing

HB 3126 – Public Hearing

HB 3261 – Public Hearing

HB 3384 – Public Hearing

These minutes are in compliance with Senate and House Rules. Only text enclosed in quotation marks reports a speaker's exact words. For complete contents, please refer to the tapes.

| TAPE/# | Speaker | Comments |
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TAPE 48, A

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| 003 | Chair Gilman | Calls the meeting to order at 1:07 p.m. Opens a public hearing on HB 3121. |
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HB 3121 – PUBLIC HEARING

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| 007 | Patrick Brennan | Committee Administrator. Introduces HB 3121. |
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| 016 | Phil Stenbeck | Senior Planner, Douglas County Planning Department. Submits and summarizes prepared testimony and photograph in support of HB 3121 (EXHIBIT A). |
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| 047 | Rep. Burley | Asks if it is possible to retrieve the vehicle identification number (VIN) from the vehicle in the photograph. |
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| 049 | Stenbeck | Answers that a VIN can sometimes be retrieved from a vehicle in such condition. |
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| 051 | Rep. Burley | Expresses concern about placing dismantlers in a difficult situation regarding possession and disposal of vehicles. |
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| 060 | Al Elkins | Oregon Tow Truck Association. Testifies in support of HB 3121. Notes the support of Rep. Susan Morgan. |
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| 070 | Rep. Burley | Asks if Mr. Elkins is familiar with the wreckers' bill, HB 2429. |
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| 071 | Elkins | Answers yes. |
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| 074 | Rep. Burley | Notes that wreckers need title to legally take possession of a vehicle, but tow truck operators do not. |
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| 078 | Elkins | Offers clarification. |
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| 085 | Gary Coe | Speed's Towing. Explains that they hold weekly auctions to get rid of unwanted vehicles. Explains the lien process and retrieval of VIN with attempts to contact the vehicle's registered owner. |
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| 106 | Chair Gilman | Closes the public hearing on HB 3121. Opens a public hearing on HB 3126. |
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HB 3126 – PUBLIC HEARING

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| 107 | Patrick Brennan | Committee Administrator. Introduces HB 3126. |
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| 122 | Kristan Mitchell | Oregon Refuse and Recycling Association. Testifies in support of HB 3126. Acknowledges that there are potential issues with the legislation and notes the work that has been done. Introduces Mike Monroe. |
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| 140 | Mike Monroe | Umatilla County Solid Waste Committee. Testifies in support of HB 3126. Explains the problem of abandoned vehicles, including who is responsible. Commends Rep. Bob Jenson for his work on the bill. Addresses the cost and environmental issues of dealing with abandoned vehicles. |
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| 183 | Monroe | Explains that tow truck operators bear the cost of picking up abandoned vehicles and argues that the cost should be borne by the public. Notes the work of fixing the lien process. |
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| 228 | Rep. Hunt | Asks about the minimum fine of \$250 when a vehicle is abandoned and notes that if a person tried to dispose of a car, the fine would still be \$50. |
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| 241 | Monroe | Explains that the \$250 minimum fine is for those who have made no effort to pay the tow bill. States that the violator would have to pay a minimum of \$50. Notes that the problem is that a conviction does not solve the problem of abandoned vehicles. |
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| 273 | Rep. Hunt | Asks if someone who has made proper arrangements to have a vehicle taken care of could still be fined before being convicted. |
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| 293 | Monroe | Notes that he will be looking at the language to address such issues. |
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| 297 | Rep. Burley | Asks if convictions are hard to obtain because law enforcement does not have the resources to investigate abandoned vehicles. |
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| 300 | Monroe | |
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Answers yes. Explains that there have been 41 convictions for abandoning a vehicle. States that in his 18 years operating a towing service, he has never seen a conviction issued.

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| 320 | Rep. Burley | Asks if the requirement for a conviction should be eliminated and what the mechanism would be to suspend driving privileges. |
| 328 | Monroe | Answers that the owners who abandon their vehicles should have their driving privileges suspended and should not be allowed to register another vehicle through the Division of Motor Vehicles (DMV) until the situation is addressed. |
| 345 | Rep. Burley | Asks if the statutory language is acceptable. |
| 351 | Monroe | Answers that the language is changed by the bill. |
| 360 | Rep. Beyer | Notes that she has come to recognize that many abandoned vehicles do not have value. |
| 374 | Monroe | Acknowledges that the bill is a start in addressing the issue. Notes that in Philadelphia, the towers quit over a similar issue and the city had to pay \$600,000 to have the vehicles towed. |
| 406 | Al Elkins | Director, Oregon Tow Truck Association. Testifies in support of HB 3126. States his desire to work with sponsors to address issues with bill language. Notes the magnitude of the issue of vehicle abandonment. |

TAPE 49, A

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| 014 | Rep. Burley | Asks who served on the work group. |
| 016 | Elkins | Answers that Rep. Jenson suggested a work group to address the bill language and that Kristan Mitchell led the group. |
| 020 | Rep. Burley | Asks the work group to examine both HB 3121 and HB 3126 and to look at other bills for potential conflicts. |
| 026 | Chair Gilman | Mentions that Rep. Jenson contacted him before the legislative session to offer to work with the work group. |

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| 032 | Robin Freeman | Oregon Department of Transportation (ODOT). Submits and reads prepared testimony regarding HB 3126 (EXHIBIT B). |
| 071 | Rep. Burley | Asks if driving privileges can be suspended without a conviction. |
| 076 | Freeman | Answers that she has contacted DMV to see and will get the information for the committee. |
| 082 | Rep. Burley | Asks about the fines and penalties that must be paid to get a driver license back. Estimates that the fines would amount to approximately \$175. |
| 090 | Freeman | Answers that the fine would be collected by the courts. |
| 095 | Rep. Burley | Requests clarification that DMV would collect the fee of \$50, plus the \$75 to reinstate driving privileges. |
| 097 | Freeman | Answers affirmatively. |
| 098 | Rep. Burley | Asks if programming would be necessary to incorporate license suspensions if the \$50 fee was not included. |
| 102 | Freeman | Answers yes, but that it would be less programming. |
| 105 | Rep. Hunt | Asks if the problem is a lack of citations issued and whether it might be possible to direct fees to issue more citations. |
| 114 | Freeman | Answers that the work group will address the issue. Says that DMV seeks the input of law enforcement and notes that people who abandon vehicles can be difficult to locate. |
| 122 | Chair Gilman | Expresses concern about the ability to retrieve money from a vehicle owner. |
| 130 | Rep. Burley | Wonders if owners would care if their driving privileges were suspended and whether this is the best way to develop policy that is enforceable and would achieve the necessary objectives. |
| 133 | Freeman | Acknowledges that it is a problem. |

142 Phil Stenbeck Senior Planner, Douglas County Planning Department. Notes that he was present for the work group. Explains that there was a consensus that HB 3121 is cleaner and can move through the process and that HB 3126 is more complex.

167 Chair Gilman Closes the public hearing on HB 3126. Opens a public hearing on HB 3261.

HB 3261 – PUBLIC HEARING

170 Patrick Brennan Committee Administrator. Introduces HB 3261. Notes the -1 amendments **(EXHIBIT C)** and written testimony submitted by Rep. Jeff Kropf, House District 17 in support of HB 3261 **(EXHIBIT D)**.

181 Chair Gilman Closes the public hearing on HB 3261. Opens a public hearing on HB 3384.

HB 3384 – PUBLIC HEARING

188 Rep. Beyer Testifies in support of HB 3384. Explains the history of the driver education program.

228 Sandra Bishop Driving School Association of Oregon. Submits and summarizes prepared testimony in support of HB3384 **(EXHIBIT E)**.

335 Bishop Explains the -1 amendments **(EXHIBIT F)**.

TAPE 48, B

020 Richard Ubel President, Driving School Association of Oregon. Submits and summarizes prepared testimony in support of HB 3384 **(EXHIBIT G)**. Explains the problems with the Transportation Safety Division's administration and overregulation of the Graduated Driver License program.

091 George Doddington President, Oregon Driver Training Institute. Testifies in support of HB 3384.

154 Frank West Driving Instructor, Chemeketa Community College. Testifies in opposition to HB 3384. Describes the implementation of the Graduated Driver License Program. Notes that he is unaware of any

support from public high schools and community colleges for the establishment of a committee.

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| 217 | Rep. Beyer | Asks if Mr. West is on the advisory committee. |
| 221 | West | Answers no. |
| 223 | Rep. Beyer | Solicits Mr. West's opinion whether the committee would do more harm than good. |
| 225 | West | Answers that it is possible. Argues that it will not help achieve what needs to be achieved. |
| 237 | Rep. Hunt | Asks if the composition of the committee, three high school instructors, three community college instructors, three private instructors, and two parents of young drivers, would be acceptable. Inquires whether the tasks of the committee would be appropriate. |
| 245 | West | Answers that the composition is good, but notes that he is not sure of the proposed committee tasks. |
| 271 | Troy Costales | Administrator, Transportation Safety Division, Oregon Department of Transportation (ODOT). Submits and summarizes prepared testimony regarding HB 3384 (EXHIBIT H). |
| 315 | Costales | Explains the history of ODOT's involvement in the driver school and committee. |

TAPE 49, B

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| 005 | Costales | Acknowledges the -1 amendments, but notes that he has not had a chance to examine them. |
| 011 | Rep. Hunt | Acknowledges that there is a problem with the committee and asks what changes would be necessary. |
| 018 | Costales | Answers that putting the committee in rule was voted down by the Traffic Safety Committee. Submits a chart outlining the ODOT citizen involvement committees (EXHIBIT H). |

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| 043 | Rep. Beyer | Asks if an adopted teaching curriculum exists. |
| 050 | Costales | Answers that he has three notebooks of teaching curriculum and explains the teaching standards. Mentions that there is disagreement over curriculum for students. |
| 076 | Rep. Beyer | Asks if the instructor curriculum is standard. |
| 080 | Costales | Answers that it has evolved at the advice of the master trainers with his program manager. |
| 101 | Chair Gilman | Closes the public hearing on HB 3384. Reopens the public hearing on HB 3261. |

HB 3261 – PUBLIC HEARING

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| 109 | Don Benson | Requester of HB 3261. Submits and summarizes prepared testimony in support of HB 3261 (EXHIBIT I). Explains the situation in which he was cited for failure to carry insurance. |
| 183 | Chair Gilman | Closes the public hearing on HB 3261. Adjourns the meeting at 2:44 p.m. |

EXHIBIT SUMMARY

- A. HB 3121, prepared testimony and photograph, Phil Stenbeck, 2 pp
- B. HB 3126, prepared testimony, Robin Freeman, 1 p
- C. HB 3261, -1 amendments, staff, 2 pp
- D. HB 3261, prepared testimony, Rep. Jeff Kropf, 1 p
- E. HB 3384, prepared testimony, Sandra Bishop, 1 p
- F. HB 3384, -1 amendments, staff, 4 pp
- G. HB 3384, prepared testimony, Richard Ubel, 2 pp
- H. HB 3384, prepared testimony and chart, Troy Costales, 9 pp
- I. HB 3261, prepared testimony, Don Benson, 2 pp